IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

SELLERS CAPITAL, LLC, and)
SELLERS CAPITAL MASTER) Case No. 15-cv-07644
FUND, LTD.)
)
)
Plaintiffs,)
)
v.)
) Hon. Jorge L. Alonso
GEORGE WIGHT, ARMADA)
GROUP, GP, INC. and ARMADA)
ENTERPRISES, INC.) Mag. Judge Jeffrey T. Gilbert
)
Defendants.)

PLAINTIFFS' MOTION TO COMPEL DISCOVERY

Plaintiffs Sellers Capital, LLC and Sellers Capital Master Fund, Ltd.

("Plaintiffs"), respectfully move pursuant to Fed. R. Civ. P. 26, 33, 34, and 37 for an order compelling Defendants George Wight ("Wight"), Armada Enterprises, Inc.

("AE"), and Armada Group, GP, Inc. ("AG") (together "Defendants") to respond in full and without objection to Interrogatories and Requests for the Production of Documents ("Discovery Requests") relating to Defendants' bank accounts and financial records. This discovery is relevant to Plaintiffs' allegations that Defendants are each other's alter egos, and that AE and AG's corporate veils should be pierced such that Wight be held personally liable for AG's breach of its Agreement with Plaintiffs. In support of their Motion, Plaintiffs state:

1. On August 31, 2015, Plaintiffs filed their Complaint, Dkt. 1, alleging breach of contract and tortious interference claims against Defendants and seeking

damages of at least \$12,575,596, plus punitive damages. Plaintiffs filed a First Amended Complaint on October 2, 2015, Dkt. 5, and a Second Amended Complaint on March 29, 2016, Dkt. 30, which updated certain facts and provided a current damages calculation of at least \$14,998,134.

- 2. On December 21, 2015, Plaintiffs served Defendants with the Discovery Requests, which are substantially similar with respect to each Defendant.
- 3. On February 16, 2016, Defendants served Plaintiffs with their answers to the interrogatories, and on February 19, their responses to the document requests ("Discovery Responses").
- 4. On March 15, 2016, Plaintiffs sent Defendants a detailed letter identifying certain deficiencies in the Discovery Responses and requesting a Local Rule 37.2 conference. As detailed in the accompanying Certificate of Compliance with Local Rule 37.2, filed contemporaneously, the parties conferred at length by telephone on March 21, and in subsequent written correspondence.
- 5. On April 6, 2016, Defendants served amended responses to the Discovery Requests ("Amended Discovery Responses") and a cover letter responding to Plaintiffs' March 15 letter and the parties' March 21 phone conference.

 Defendants' Amended Discovery Responses addressed some of the deficiencies Plaintiffs identified in their March 15 letter, but Defendants maintained objections to the production of Wight's financial information and bank records, and to the production of certain financial documents by AE and AG.

6. As explained in Plaintiffs' accompanying Memorandum in support of

this Motion, the Discovery Requests seek information relevant under Rule 26(b),

and Defendants' objections in the Amended Discovery Responses are not well-taken.

7. Plaintiffs therefore respectfully request that the Court order

Defendants to produce all documents responsive to Request Nos. 21, 23, 24, 25, 26,

29, 30, 32, and 33 of Plaintiffs' First Set of Requests for Production to Wight, and

Request Nos. 20, 23, 26, 27, 36, 38 and 39 of Plaintiffs' First Set of Requests for

Production to AE and AG, respectively. Wight should also be compelled to respond

to Interrogatory No. 1 addressed to him, fully and without objection.

8. Consistent with Rule 37(a)(5), Plaintiffs also respectfully request that

the Court award them the fees and costs incurred in bringing this motion, should it

be granted.

WHEREFORE, Plaintiffs Sellers Capital, LLC and Sellers Capital Master

Fund, Ltd. respectfully request that this Court grant their Motion to Compel

Discovery pursuant to Fed. R. Civ. P. 37(a), and award Plaintiffs their reasonable

fees and costs incurred in bringing this motion.

Respectfully Submitted,

SELLERS CAPITAL, LLC, AND

SELLERS CAPITAL MASTER

FUND, LTD.

Dated: April 12, 2016 By: /s/ Adam N. Hirsch

One of Their Attorneys

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Adam N. Hirsch (Ill. No. 6275127)
Andrew E. Cunningham (Ill. No. 6314441)
ROBINSON CURLEY & CLAYTON, P.C.
300 South Wacker Drive, Suite 1700
Chicago, Illinois 60606
(312) 663-3100 – Telephone
(312) 663-0303 – Fax
ahirsch@robinsoncurley.com
acunningham@robinsoncurley.com

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CERTIFICATE OF SERVICE

I, Andrew E. Cunningham, an attorney, certify that on April 12, 2016, I caused to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, the foregoing, using the CM/ECF system, which shall send notice of this filing to all counsel of record.

/s/ Andrew E. Cunningham
One of Plaintiffs' Attorneys